

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**UNITED STATES OF AMERICA
PLAINTIFF**

v.

**CARLOS BADILLO
DEFENDANT**

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CR NO. 2:06cr213-MEF

MOTION TO SUSPEND THE RULES AND PERMIT LEAVE OF ABSENCE

Comes now the undersigned counsel for Defendant and moves the Court to suspend the rules under the Court's Order on Arraignment requiring his presence at all proceedings and prays for leave to absent himself from the pre-trial conference set for Monday, June 18, 2007 and in support thereof states as follows:

1. Counsel is scheduled for trial in the Circuit Court of Montgomery County in case of *Steve Whitmire v. Charter Communications; CV 04-3221-MC* to commence at 9:00 AM Monday, June 18, 2007.

2. Counsel and the Government have entered into plea negotiations in the present case and there is a strong possibility that an agreement will be reached and that Defendant will be filing a Notice of Intent to Change Plea. In fact, at this time, counsel anticipates filing a Notice of Intent to Change Plea prior to June 18th. Counsel has not be able to contact the AUSA, Ms. Susan Redmond, this week to complete the negotiations.

3. Counsel represents to the Court that there are no pending motions, discovery is complete, and estimates the length of trial to be 2 days in the very unlikely event this case goes to trial.

4. Counsel will make every effort to contact Ms. Redmond and discuss any issues which may need to be brought to the Court's attention and has every confidence that Ms. Redmond will adequately and properly represent the status of this case in counsel's absence.

Wherefore, the above matters considered, Counsel prays this Court grant leave for him to absent himself from the pre-trial conference.

Respectfully submitted this day, June 13, 2007.

/s/Timothy C. Halstrom
Timothy C. Halstrom
Bar Number HAL021
Attorney for Defendant Badillo

Of Counsel:
Timothy C. Halstrom
Bar # HAL021
Attorney At Law
4170 Lomac Street
Montgomery, Alabama 36106
(334)272-6464
(334)244-7474 - fax
halstromtim@aol.com - email

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification to all interested parties as appropriate.

/s/Timothy C. Halstrom

Timothy C. Halstrom

Bar Number HAL021